

Application No. 10/083,453
Amendment "C" and Response to Office Action Dated February 28, 2006
Reply to Office Action Mailed September 2, 2005

REMARKS

The Applicant and Applicant's attorney wish to thank the Examiner for the time spent reviewing the application and preparing the third Office Action. In the Office Action, claims 20, 22, 24, 28, 34-36, 38 and 39 were rejected and claims 21, 23, 26, 27, 29-31, 33, 37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this paper, objected claims 21, 23, 26, 27, 29-31, 33 and 37 have been amended to include all of the limitations of the base claim and any intervening claims. Furthermore, independent claims 20, 22, 24 and 39 have been amended and new claim 40 has been added. Applicant submits that claim amendments and new claim 40 do not add new matter and entry thereof is respectfully requested. As a result, claims 20-24, 26-31 and 33-40 are pending and should be in condition for allowance. Reconsideration of the above-identified claims is now respectfully requested.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 20, 22, 24, 28, 34-36, 38 and 39 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,868,48 to Coody et al. ("Coody"). Applicant submits that Coody fails to anticipate the limitations recited with respect to claims 20, 22, 24, 28, 34-36, 38 and 39.

Coody fails to disclose a mechanism that comprises a motor movably attached to a base, a foot rotatably mounted below said deck, and an elongated member having a first end attached to said motor and a second end movably connected to said foot, as articulated in claims 20 and 22. Likewise, Coody fails to disclose a fold-out assembly including a handrail having a first end and a second end, wherein said handrail rotates as said deck is selectively rotated from said storage position into said operational position, as articulated in claim 24. Furthermore, Coody

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fails to disclose a deck, as defined in claim 39, having a rear portion rotatably attached to said base, as articulated in claim 39.

Claims 28, 34-36 and 38 depend from an allowable base claim and thus incorporate all the limitations recited respectively therein. As a result, claims 20, 22, 24, 28, 34-36, 38 and 39 should be in condition for allowance. Reconsideration of the above-identified claims is now requested.

New Claim

Coody fails to disclose or obviate the limitations recited with respect to new claim 40. In particular, Coody fails to disclose a fold-out treadmill, as articulated in claim 40, wherein an extension is rotatably coupled to one or more feet.

Claim Objections

In the Office Action, the Examiner indicated that claims 21, 23, 26, 27, 29-31, 33, 37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this paper, objected claims 21, 23, 26, 27, 29-31, 33 and 37 have been amended to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 21, 23, 26, 27, 29-31, 33 and 37 should be in condition for allowance.

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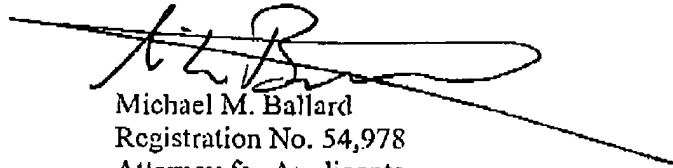
Conclusion

By this paper, objected claims 21, 23, 26, 27, 29-31, 33 and 37 have been amended to include all of the limitations of the base claim and any intervening claims, claims 20, 22, 24 and 39 have been amended for the sake of clarity or to more clearly point out novel aspects of Applicant's invention, and claim 40 has been added. As a result, claims 20-24, 26-31 and 33-40 are pending and should be in condition for allowance. Reconsideration and allowance of the above-identified claims is now respectfully requested.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 28 day of February 2006.

Respectfully submitted,



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